



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Matthew Read
Hodge Dwyer & Driver
3150 Roland Avenue
Springfield, Illinois 62705-5776

Re: *In the Matter of: Gateway FS, Inc. Waltonville, Illinois and Venedy, Illinois*
Docket No. EPA 5-13-113(a)-IL-09

Dear Mr. Read:

I have enclosed a signed Administrative Consent Order (ACO) with Gateway FS, Inc. under the Clean Air Act. Pursuant to Paragraph 46 of the ACO, it becomes effective on the date of signature by the Director of the Air and Radiation Division.

If you have any questions, please do not hesitate to call any of the following: Jennifer Wilson at (312) 353-3115, Roshni Brahmabhatt at (312) 886-6793, or Steven Kaiser at (312) 353-3804.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Regional Hearing Clerk, E-19J
Steve Kaiser, C-14J
Jennifer Wilson, P.E., AE-17J
David Bloomberg, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-13-113(a)-IL-09
)	
Gateway FS, Inc.)	Proceeding Under Sections 113(a)(1), (a)(3),
Waltonville, Illinois)	114(a)(1) of the Clean Air Act 42 U.S.C.
)	42 U.S.C. §§ 74113(a)(1),(a)(3) and 7414(a)(1)
Gateway FS, Inc.)	
Venedy, Illinois)	
)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Gateway FS, Inc. (Gateway) under Sections 113(a)(1), (a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1), (a)(3) and 7414(a)(1).
2. This Order applies to the grain elevators located at 420 South Broadway, Waltonville, Illinois and 18 North Mill Street, Venedy, Illinois owned and operated by Gateway.

Statutory and Regulatory Background

3. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.
4. On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203 as part of the federally enforceable State Implementation Plan (SIP) for the State of Illinois. 45 Fed. Reg. 11493. IPCB Rule 203 is codified, in part, at 35 Ill. Admin. Code §§ 212.461 and 212.462.
5. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] sets forth certain housekeeping practices (hereinafter "Housekeeping Practices") that all grain-handling and grain-drying operations must implement regardless of size. These include:

- A. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
- B. Cleaning and Maintenance.
 - 1. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
 - 2. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
 - 3. The yard and surrounding area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
- C. Dump pit.
 - 1. Aspiration equipment shall be maintained and operated.
 - 2. Dust control devices shall be maintained and operated.
- D. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
- E. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.
- F. Housekeeping Check List. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

6. Grain elevators that are not located in Major Population Areas, as that term is defined at Illinois SIP at Part 211 [35 Ill. Admin. Code § 211.3610], are exempt from the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. That exemption ceases to apply when a facility violates the pollution prohibition in Subsection 9(a) of the Illinois Environmental Protection Act.

7. Section 9(a) of the Illinois Environmental Protection Act states that "No person shall: (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in

combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.”

8. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] applies to elevators with a throughput greater than 300,000 bushels/year. Facilities which are subject must adhere to the following requirements:

- A. Apply induced draft to major dump pits and associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 feet per minute which shall be determined in accordance with the formula provided. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(1) [35 Ill. Admin. Code § 212.462(b)(1)(A)]
- B. Induced draft air stream is confined and conveyed through air pollution control equipment, which has an overall rated and actual particulate collection efficiency of not less than 90%, by weight. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(2) [35 Ill. Admin. Code § 212.462(b)(1)(B)]
- C. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)]

9. Truck and hopper car loading must “employ socks, sleeves or equivalent devices which extend six inches below the sides of the receiving vehicle.” Illinois SIP at Rule 203(d)(9)(B)(i)(b) [35 Ill. Admin. Code § 212.462(a)(2)].

10. The Illinois SIP at Rule 203(d)(9)(B)(iii) [35 Ill. Admin. Code § 212.462(c)] also requires pollution controls for the internal transferring area as follows:

- A. Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.
- B. Air contaminants collected from internal transfer operations . . . shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.

11. "Internal transferring area" is defined as "areas and associated equipment used for conveying grain among the various grain operations." Illinois SIP at Part 211 [35 Ill. Admin Code § 211.3210].

12. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

13. The Administrator of EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

Gateway FS, Inc. – Waltonville, Illinois

14. Gateway owns and operates a grain elevator at 420 South Broadway, Waltonville, Illinois 62894 (Waltonville Facility). The Waltonville Facility is in Jefferson County, which is not a Major Population Area.

15. The Waltonville Facility has a total annual grain throughput of about 1.34 million bushels per year and processes soybeans, corn and wheat using trucks, dump pits, an internal transferring area with belt conveyors, truck loading, storage bins, all of which have the potential to create particulate matter.

16. At all times relevant to this Order, the Waltonville Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

17. On July 25, 2012, EPA personnel performed an inspection of the Waltonville Facility and observed:

- A. grain particulate matter in various locations;
- B. housekeeping checklists were not able to be produced onsite; and
- C. the roads of the Facility were dry and dusty and they generated particulate matter every time a truck drove over them.

18. Furthermore, EPA personnel observed the following at the Waltonville Facility: loadouts for trucks did not have sleeves or equivalent devices attached to them or the sleeves they had were tattered, torn, or too short to extend into trucks.

19. Prior to the inspection, EPA received complaints from the neighbors about particulate matter emissions from the Waltonville Facility during the months of June and July of 2012.

20. By violating Section 9(a) of the Illinois Environmental Protection Act, the Waltonville Facility is subject to the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462].

21. On December 18, 2012, EPA issued to Gateway a Notice of Violation (NOV) alleging violations of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] and Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. On March 4, 2013, representatives of Gateway and EPA discussed the December 18, 2012, NOV.

22. After the NOV was issued, EPA received additional complaints from residents who live near the Waltonville Facility during the months of March, May, June, and July of 2013

saying particulate matter from the roads and grain from the Waltonville Facility was continuing to blow onto their yards and coat their belongings.

Gateway FS, Inc. – Venedy, Illinois

23. Gateway owns and operates a grain elevator at 18 North Mill Street, Venedy, Illinois 62214 (Venedy Facility). The Venedy Facility is in Washington County, which is not a Major Population Area.

24. The Venedy Facility has a total annual grain throughput of about 265,570 bushels per year and processes soybeans, corn and wheat using trucks, dump pits, an internal transferring area with belt conveyors, truck loading, storage bins, all of which have the potential to create particulate matter.

25. At all times relevant to this Order, the Venedy Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

26. On October 12, 2012, EPA personnel performed an inspection of the Venedy Facility and observed:

- A. grain particulate matter in various locations;
- B. housekeeping checklists were not able to be produced onsite; and
- C. the roads of the Venedy Facility were dry and dusty and they generated particulate matter every time a truck drove over them.

27. On December 18, 2012, EPA issued to Gateway a Notice of Violation (NOV) alleging violations of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)]. On March 4, 2013, representatives of Gateway and EPA discussed the December 18, 2012, NOV.

Compliance Program

28. Within 60 days of the effective date of this Order, Gateway shall submit completed applications for the construction permits required by this Order in accordance with the Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142].

29. Within 90 days of the effective date of this Order, Gateway shall submit a plan for controlling PM emissions (PM Control Plan) from its major dump pit at the Waltonville Facility in compliance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 201.142] and Rule 103(b)(1) [35 Ill. Admin. Code § 212.462(b)(1)]. To demonstrate compliance with the Illinois SIP, the PM Control Plan shall include the design documents for construction of air pollution control equipment that includes an induced draft on the Waltonville Facility major dump pit routed to one or more baghouses and the following information:

- A. The air pollution control equipment design criteria including the flow rate and the particulate collection efficiency, which demonstrate that the overall rated and actual particulate collection efficiency is not less than 90 percent by weight. Compliance with this standard may be demonstrated by information obtained from the manufacturer of the control equipment and the design engineer.
- B. Detailed calculations demonstrating the minimum face velocity at the effective grate surfaces at each dump pit. If the grate is equipped with baffles, the effective grate surface of each dump pit shall be at least 200 fpm, which shall be determined by using the equation: $V = Q/A$, where V = face velocity; and Q = induced draft volume in scfm; and A = effective grate areas in ft^2 . The area shall be calculated based on the total area through which air will pass through fixed baffles.
- C. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) that will be employed to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at each pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph.
- D. Methods that Gateway will use to enclose all of its conveyors (including transfer points), distributors and cleaning and separating operations. If Gateway elects not to enclose these areas, Gateway must ensure that the openings will be aspirated to a baghouse with 90 percent particulate removal efficiency.

30. EPA will review and either approve or disapprove the PM Control Plan for the Waltonville Facility within 60 days of its receipt. The basis for EPA's approval or disapproval shall be compliance with the Illinois SIP at Rule 203(d)(9)(B)(ii) [35 Ill. Admin. Code 212.462(b)]. Gateway shall be in violation of this Order if it fails to secure approval of the PM Control Plan within 180 days of the effective date so long as EPA:

- A. Provides within 60 days of the date Gateway submits the PM Control Plan (submission date), a notice of its intent to disapprove the PM Control Plan, which documents its deficiencies with respect to the Illinois SIP at Rule 203(d)(9)(B)(ii) [35 Ill. Admin. Code 212.462(b)]; and
- B. Provides within 120 days of the submission date a notice of disapproval of the PM Control Plan. EPA will consider any amendments to the PM Control Plan submitted after EPA provides its notice of intent to disapprove the PM Control Plan prior to disapproving the plan.

31. Within 60 days from the effective date of this Order, unless otherwise noted, Gateway shall demonstrate compliance with the Illinois SIP at Rule 203(d)(9) [35 Ill. Admin. Code § 212.461(b)(1)] at both the Venedy Facility and Waltonville Facility during facility operation as follows:

- A. Check air pollution control devices daily and clean as necessary to insure proper operation.
- B. Floors shall be kept swept and cleaned from boot pit to cupola. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
- C. Clean the yard and surrounding open areas, including but not limited to ditches and curbs, to prevent the accumulation of rotting grain.
- D. Maintain and operate dust control devices at the dump pits.
- E. Handle cleaning at the Facility in such a manner as not to permit dust to escape to the atmosphere.
- F. When facilities are in operation, complete and maintain a housekeeping checklist on the premises for inspection by EPA or Illinois Environmental Protection Agency personnel. The housekeeping checklist shall include lines requiring:

1. - Daily inspection of air pollution control devices to ensure that they are functioning properly in accordance with the Illinois SIP at Rule 203(d)(9)(A)(i) [35 Ill. Admin. Code § 212.461(b)(1)];
 2. Daily recording of the pressure reading on the baghouses once it is built and operating (applicable to Waltonville Facility only);
 3. Weekly inspections of the sleeves on the loadouts while loadout is occurring; and
 4. Weekly inspections for visible emissions from the internal transferring.
- G. Chipseal all driveways and parking areas.
- I. To demonstrate compliance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] and its operating permit, Gateway shall employ socks, sleeves or the equivalent devices (or certify that sleeves or the equivalent have already been installed) on all truck and railcar loadouts at the Waltonville Facility. The socks, sleeves or the equivalent devices must extend six inches below the sides of the receiving vehicles, except for topping off.

32. Within 310 days from the effective date of this Order, Gateway must implement the EPA approved PM Control Plan for the Waltonville Facility. If Gateway believes the IEPA has not approved the construction and operating permits within sufficient time to build and operate the air pollution control equipment, Gateway must inform EPA and, if warranted, EPA will grant an extension of time to complete construction or begin operation.

Periodic Reporting and Monitoring

33. Gateway shall install pressure gauges and/or other monitoring equipment to evaluate the performance of the air pollution controls required by this Order at the Waltonville Facility.

34. After the effective date of this Order, and for one year thereafter, Gateway must submit a total of four electronic quarterly reports to EPA by the 15th day of March, June, September, and December that include:

- A. The status of the application for a construction permit for the pollution control requirements for the dump pits set forth in Paragraph 29;

- B. The status of construction of the loadout sleeves, pollution control devices, and other pollution controls for the dump pits, truck loadouts, conveyors and distributors required by this ACO;
 - C. Monthly spreadsheet(s) of daily pressure gauge and other monitoring device readings on the air pollution controls required by this ACO for the Waltonville Facility; and
 - D. Operational status of induced draft system at Waltonville Facility.
35. Gateway must submit all requested information under an authorized signature

with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

36. Gateway must send all electronic reports required by this Order to the following: wilson.jennifera@epa.gov, brahmbhatt.roshni@epa.gov, and r5airenforcement@epa.gov. Paper documents must be submitted to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

37. This Order does not affect Gateway's responsibility to comply with other federal, state and local laws.
38. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA.

39. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Gateway's violation of the Illinois SIP.

40. Failure to comply with this Order may subject Gateway to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

41. The terms of this Order are binding on Gateway, its assignees and successors. Gateway must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

42. Gateway may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Gateway fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

43. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish documents as an electronic copy on CD or thumb drive. If not possible,

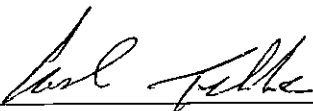
provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

44. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

45. For purposes of this Order and enforcement of this Order, Gateway waives any right to judicial or administrative review of this Order and any jurisdictional defenses to EPA's enforcement of it. Gateway neither admits nor denies the Findings listed above, and agrees to be bound by the terms of this Order.

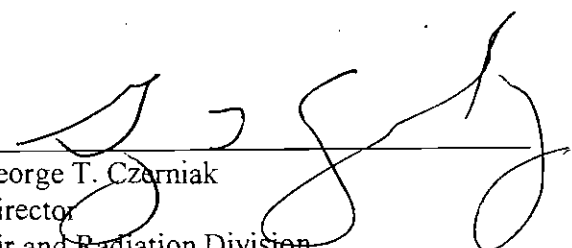
46. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

9-26-13
Date



Carl Tebbe
General Manager
Gateway FS, Inc.

9/30/13
Date



George T. Czarniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

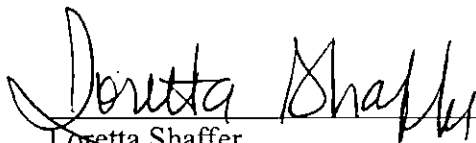
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-09, by certified mail, return receipt requested, to:

Carl Tebbe
General Manager
Gateway FS, Inc.
221 E. Pine St.
Red Bud, IL 62278

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-IL-09, by first-class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

On the 30 day of September 2013.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 2669 5848